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Attorneys for Defendant Hewlett-Packard Company

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ERIC BENEDICT, on behalf of himself
 and classes of those similarly situated,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. C 13-0119 LHK

**STIPULATION AND [PROPOSED]
 ORDER PERMITTING PLAINTIFF TO
 FILE FIRST AMENDED COMPLAINT
 WITHOUT WAIVING DEFENDANT'S
 RULE 12 RIGHTS**

1 The parties hereby stipulate as follows:

2 Pursuant to Federal Rule of Civil Procedure 15(a)(2), the parties stipulate to Plaintiff Eric
3 Benedict's filing of a First Amended Complaint no later than the court day immediately following
4 the day on which the Court grants this stipulation.

5 The parties hereby stipulate that Defendant Hewlett-Packard Company shall be permitted
6 to file a Rule 12 motion in response to the First Amended Complaint within 21 days of service of
7 the First Amended Complaint, regardless of an earlier filing by Defendant of an Answer and
8 Counterclaims to the First Amended Complaint, which such Answer and Counterclaims
9 Defendant may file as a matter of right under Rule 15(a)(3).

10 Both parties reserve all rights, objections and motions with regard to the amended
11 pleadings referenced herein.

12 IT IS SO STIPULATED.

13 Dated: May 17, 2013

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

14 By: /s/ Jahan C. Sagafi
15 Jahan C. Sagafi

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Attorneys for Plaintiff and proposed Class Members

1 Dated: May 17, 2013

SIDLEY AUSTIN LLP

2 By: /s/ Wendy M. Lazerson

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10 IT IS SO ORDERED.

11 Dated: May 30, 2013

12 By: Lucy H. Koh
13 THE HONORABLE LUCY H. KOH
14 UNITED STATES DISTRICT JUDGE
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